

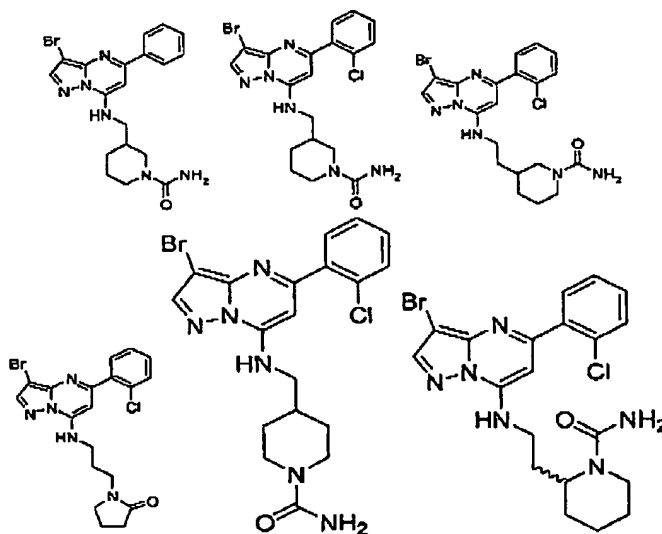
REMARKS

Claims 1-47 are pending in this case and are rejected in this final rejection. The withdrawal of several earlier rejections is sincerely appreciated.

I. Claims 1, 2, 4-9, 14-26, 31-42 and 43-47 were rejected under 35

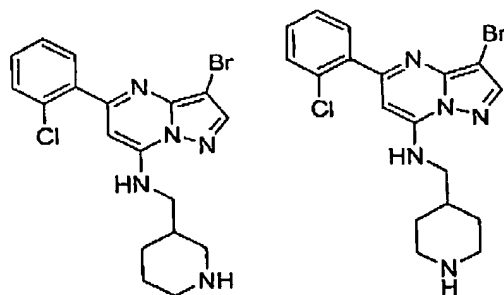
- 5 U.S.C. § 112, second paragraph, for use of the term "heterocyclalkyl". The meaning of the term is questioned. "In the previous action, the Examiner asked a number of questions concerning Applicants' intended meaning. If Applicants cannot answer the questions, how is the public to understand the scope of heterocyclalkyl?" Page 4 of the Office Action. Applicants sincerely
- 10 regret any confusion over the definition of the term. The term is intended to point out moieties such as piperidiny-methyl and the like. Thus, for example, the following illustrative compounds which are in the present claim 27 (presently amended claim 27, page 5, lines) contain representatives of "heterocyclalkyl" group at the bottom part of the molecule:

15 From page 20:



From page 22:

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Withdrawal of the under 35 U.S.C. § 112, second paragraph rejection is, therefore, respectfully requested.

- 5 II. Claims 31-35 and 37-39 remain rejected under § 112, second paragraph, as being indefinite. The use of the phrase "therapeutically effective" was objected to. The term "therapeutically effective" is deleted in this amendment.
- 10 III. Claims 31-41 and 43-47 are rejected under § 112, first paragraph, on enablement grounds. This amendment shows the listed diseases as being cured by inhibiting CDK1 and CDK2. There is substantial enablement for the inhibition of CDK2 in the application. As the enclosed Affidavit under 37 C.F.R. 1.132 by inventor Dr. Timothy Guzi demonstrates, several of the inventive compounds additionally inhibited CDK1 (see EXHIBIT 1). Applicants
- 15 strongly believe that the presently added activity data as well as the activity data already present in the application provide sufficient enablement for the inhibition of CDK1 and CDK2, thereby providing a method of treating diseases listed in the claims. Withdrawal of the §112, first paragraph rejection is, therefore, respectfully requested.
- 20 IV. Claims 1-26 and 31-47 were rejected under 35 U.S.C. §112, first paragraph, as new matter. Claims 1-10, 19, 23, 40 and 42 were rejected under 35 U.S.C. §102(b) as being anticipated by *Hirai*. Claim 16 was rejected under 35 U.S.C. §103 as being over *Hirai*. Claim 1 and other relevant dependent claims have been amended now to remove alkyl for R³ and
- 25 (CHR⁵)_n-aryl for R. It is believed that the amendment overcomes the above-noted rejections. Withdrawal of the rejections is respectfully requested. Applicants are reserving the right to prosecute the withdrawn scope of claims by way of divisional applications, if they choose to do so.

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V. Claims 1-19, 21-29, 30 and 31-47 were rejected under obviousness-type double patenting over claims 31-43, 48, 51 and 55-70 of copending application Serial No. 10/776,988. The compounds pointed out have been deleted from the instant claims but appear on the copending case. Applicants
5 believe that the double patenting rejection is moot. Withdrawal of the rejection is respectfully requested.

Applicants respectfully request entry of this Amendment after Final Rejection. There being no other rejections pending, Applicants believe that claims 1-47 are in allowable condition and such an action is earnestly
10 solicited.

If the Examiner has any questions, the Examiner is invited to contact the undersigned.

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Respectfully submitted,



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